

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,	:	
	:	Case No. 1:05-cr-113-1
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Appointing Counsel and
Clarence Remble,	:	Extending Deadline to Respond to the
	:	Show Cause Order
Defendant.	:	

This matter is before the Court on Clarence Remble's *pro se* Motion (Doc. 999) filed on January 25, 2021. Remble is seeking the Court to reduce his sentence pursuant to § 404 of the First Step Act. This Court issued a Show Cause Order (Doc. 998) on January 6, 2021 requiring him to show cause why his earlier Motion for Reduced Sentence (Doc. 989) and Motions to Supplement (Docs. 992, 993) should not be denied. Remble was given leave to address the applicable sentencing range, the application of the 18 U.S.C. § 3553(a) factors, or any matter raised in the Show Cause Order.

Remble now is seeking (1) an extension of time to file a response to the Show Cause Order and (2) appointment of counsel. He asserts that his ability to respond has been hampered by COVID-19 restrictions in prison, including lack of access to a law library. The Court will grant his requests. Generally, an indigent criminal defendant's right to counsel extends only to the first appeal as of right. *See Coleman v. Thompson*, 501 U.S. 722, 755–756 (1991). Defendants have no constitutional right to counsel in 18 U.S.C. § 3582 proceedings. *See U.S. v. Prater*, No. 7:15-11-DCR-3, 2020 WL 2616120, at *2 (E.D. Ky. May 22, 2020). However, in this District Court, counsel are being provided to defendants who file § 3582(c)(1)(A) motions

for compassionate release pursuant to General Order 20-21. This Court finds that it is appropriate in the circumstances of this case to appoint counsel to Remble to pursue a reduction in sentence pursuant to the First Step Act.

The Court hereby **ORDERS** the Federal Public Defender to enter an appearance or recommend the appointment of a member of the Criminal Justice Act ("CJA") panel to represent Remble. The Federal Public Defender or the CJA attorney shall have 60 days from the date he or she enters an appearance to file a response to the Show Cause Order.

IT IS SO ORDERED.

BY THE COURT:



Susan J. Dlott
United States District Judge